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Robinson, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

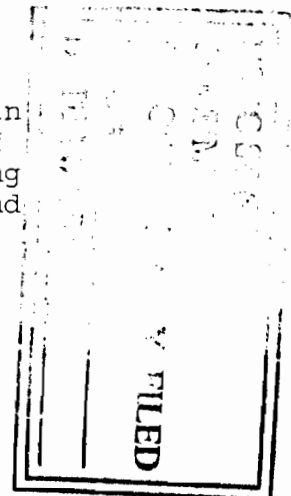
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 UNITED STATES OF AMERICA : STIPULATED ORDER OF
 : FORFEITURE/
 : PRELIMINARY ORDER OF
 v. : FORFEITURE AS TO
 : SPECIFIC PROPERTY
 CHARLES LACY-THOMPSON, :
 : 07 Cr. 988 (SCR)
 Defendant. :
 - - - - -x

WHEREAS, on or about October 24, 2007, CHARLES LACY-THOMPSON (the "defendant") was charged in a one-count Indictment, 07 Cr. 988 (SCR) (the "Indictment"), with trafficking in counterfeit goods and services, in violation of 18 U.S.C. §§ 2320(a) and 2;

WHEREAS, the Indictment contained a forfeiture allegation providing notice that, as a result of the offense charged in the Indictment, the defendant shall forfeit to the United States any and all property constituting or derived from any proceeds obtained directly or indirectly as a result of the alleged copyright infringement offense, as well as any and all property used or intended to be used to commit and to facilitate the commission of said offense, and any and all property that bears or consists of a counterfeit mark used in committing the offense, including but not limited to:

A sum of money equal to approximately \$4 million in United States currency, representing the amount of proceeds obtained as a result of the counterfeiting offense alleged in Count One of the Indictment, and

All that lot of parcel of land, together with its



buildings, appurtenances, improvements, fixtures, attachments and easements, located at 701 Crandon Blvd., Unit 201, Key Biscayne, Florida 33149 (the "Florida Property";

WHEREAS, on or about February 25, 2008, the Government filed a Bill of Particulars, providing notice that, as a result of the offense charged in the Indictment, the following properties are also forfeitable to the United States:

\$153,980.96 seized from account number 0731073805, held in the name of Charles D. Lacy Thompson at JP Morgan Chase Bank, New York, NY,

\$244,428.18 seized from account number PBH-767565, held in the name of Charles D. Lacy Thompson, Laura Ann Lacy Thompson TTEE, Coletronic Computer Inc. Pen. Pl. at Park Avenue Securities, Care of Strategies for Wealth,

(collectively, the "Subject Accounts");

WHEREAS, on or about April 30, 2008, the defendant pled guilty to the Indictment pursuant to a plea agreement with the Government;

WHEREAS, under the terms of the plea agreement, the defendant admitted the forfeiture allegation in the Indictment and agreed to forfeit to the United States, pursuant to 18 U.S.C. § 2320(b)(3): (i) a sum of money equal to \$2,200,000.00 in United States currency, representing the amount of property constituting or derived from proceeds obtained as a result of the counterfeiting offense alleged in Count One of the Indictment, and (ii) all of the defendant's right, title and interest in the Florida Property and the Subject Accounts, as properties that

constitute or were derived from proceeds obtained, directly or indirectly, from the offense alleged in the Indictment;

WHEREAS, on or about June 27, 2008, pursuant to an Interlocutory Order of Sale, the Government and the defendant agreed to an interlocutory sale of the Florida Property, with the proceeds of the sale to be delivered to the United States Marshals Service as a substitute res for the Florida Property, and to be held pending further order of the Court;

WHEREAS, on or about July 15, 2008, the Florida Property was sold pursuant to the Interlocutory Order of Sale;

WHEREAS, on or about July 23, 2008, the United States Attorney's Office received from defense counsel a check, made payable to the United States Marshals Service, totaling \$446,367.20 (the "Subject Currency"), representing the net proceeds of the sale of the Florida Property, to be held as a substitute res in this action;

WHEREAS, on or about July 30, 2008, the defendant was sentenced and ordered to forfeit, pursuant to 18 U.S.C. § 2320(a) and 2, a sum of money equal to approximately \$2.2 million in United States currency, representing the amount of property constituting or derived from proceeds obtained as a result of the counterfeiting offense alleged in Count One of the Indictment;

WHEREAS, the defendant has consented to the forfeiture of all of his rights, title and interest in the Subject Currency

and the Subject Accounts (collectively, the "Subject Properties"), to be applied to the money judgment in partial satisfaction thereof;

WHEREAS, pursuant to 21 U.S.C. § 853(g), the United States is now, by virtue of said guilty plea and sentence, now entitled, pending any assertion of third-party claims, to reduce the Subject Properties to its possession and to notify any and all potential purchasers and transferees thereof of its interest therein;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offense charged in the Indictment to which the defendant pled guilty, a forfeiture money judgment in the amount of \$2.2 million shall be entered against the defendant, as part of his criminal sentence.

2. Pursuant to 18 U.S.C. § 982 and Rule 32.2(b)(1) of the Federal Rules of Criminal Procedure, all of the defendant's rights, title and interest in the Subject Properties are forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21 U.S.C. § 853(n).

3. The Subject Properties are to be seized pursuant to this Preliminary Order of Forfeiture and are to be held thereafter by the United States Marshals Service (or its designee) in its secure custody and control.

4. Pursuant to 21 U.S.C. § 853(n)(1), the United States Marshals Service forthwith shall publish, at least once for three successive weeks in a newspaper of general circulation, notice of this Order, notice of the United States' intent to dispose of the Subject Properties in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the above-listed Subject Properties must file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Subject Properties, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the Subject Properties and any additional facts supporting the petitioner's claim and the relief sought.

5. Pursuant to Rule G(4)(a) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site, www.forfeiture.gov. The United States forthwith shall publish the internet ad for at least 30 consecutive days. Any person, other than the defendant in this case, claiming interest in the Subject Properties must

file a Petition within 60 days from the first day of publication of the Notice on this official government internet web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier, pursuant to Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the Subject Properties, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Subject Properties and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C. § 853(n).

6. The United States may also, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the Subject Properties, which is the subject of this Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Subject Properties pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed. Any monies forfeited pursuant to the Final Order of Forfeiture shall be applied towards the Money Judgment, in partial satisfaction thereof. To the extent

that the total monies forfeited pursuant to the Final Order of Forfeiture are less than \$2.2 million (the amount of the Money Judgment), the defendant is liable for the outstanding balance of the Money Judgment.

8. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

9. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Preliminary Order of Forfeiture the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of the property, including depositions, interrogatories, requests for production of documents and to issue subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

10. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, this Order of Forfeiture shall be final as to the defendant, CHARLES LACY-THOMPSON, at the time of sentencing and shall be made part of the sentence of said defendant, and shall be included in the judgment of conviction therewith.

11. The Clerk of the Court shall forward four certified copies of this Order to Assistant United States Attorney, Anna E. Arreola, One St. Andrew's Plaza, New York, New York 10007.

Dated: New York, New York
August , 2008

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York

By: _____
Maria Douvas
Assistant U.S. Attorney
One St. Andrew's Plaza
New York, New York 10007
Tel. No. (212) 637-2327

DATE

CHARLES LACY-THOMPSON

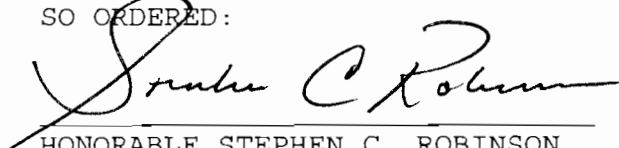
By: _____
Charles Lacy-Thompson

DATE

Philip F. Foglia, Esq.
Counsel for the defendant

DATE

SO ORDERED:



HONORABLE STEPHEN C. ROBINSON
United States District Court
Southern District of New York



DATE